

# Kansas Environmental News



January 2003



## Secretary's Corner

*Clyde D. Graeber*

As my tenure here at KDHE draws near a close, I would like to reflect on some of the many accomplishments of the agency over the past year. It was certainly a challenging time, but we were able to move forward with many noteworthy initiatives to better protect the land and water of Kansas.

The Division of Environment has helped several schools around the state clear their labs of dangerous unwanted chemicals, and therefore improve the safety of the schools. Through the School Laboratory Clean Sweep Program, KDHE staff assisted schools on the best ways to dispose of chemicals. Some can go in local landfills, while others are highly explosive and require a different disposal process. So far, the program has helped about 70 schools. A similar effort called the Kansas Clean Sweep, launched in 2000, just wrapped up another successful round of collections of unwanted or canceled pesticides from Kansas farmers and ranchers.

The Meth Watch Program has become a partner in a new initiative called the Kansas Methamphetamine Prevention Project. The Project, led by Kansas Social and Rehabilitation Services, encourages partnerships with local groups through grants to help them assist the state in its methamphetamine fight. The Meth Watch Program also provides valuable educational materials to retailers so they may notify authorities of suspicious purchases. One large Kansas retailer, a Meth Watch participant, supplied KDHE with data showing a 90% drop in theft losses for products containing ephedrine. We applaud the retailers and other local organizations for joining the meth fight in Kansas.

KDHE has also been fortunate to be able to provide grants to many Kansas communities throughout the year. Over the past 6 years, the solid waste tipping fee fund provided over \$12 million to assist

communities in recycling, composting, and household hazardous waste programs. The State Revolving Loan fund provided loans of state and federal monies to local municipalities for construction of water and wastewater improvements.

In December, the Environmental Protection Agency adopted new regulations for confined animal feeding operations. The regulations call for a few changes for our CAFO program, but it's worth mentioning that the Kansas CAFO program is well ahead of programs in many states, so we will see much less of an impact than most states in our region.

These are just a few of the many successful KDHE programs at work within our state and I appreciate the hard work each of you in the Division of Environment does to make them a success. I have enjoyed working with all of you during the past four years and appreciate the support you provided as we made strides to improve and protect our state. Best of luck for a successful 2003!

## KDHE Welcomes New Secretary

*by Roderick L. Bremby*

I'm honored to be called upon to lead the Kansas Department of Health and Environment and I look forward to working with each of you on environmental issues over the next several years. I

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realize successfully leading this agency requires your assistance, and I'm pleased to see the support you have given to those before me.

I know there are many issues we must work on with the legislature, and I am anxious to partner with you as we take on the challenges of a new session and a new year. Protecting the water and soil of this state is very important to Kansas and I understand the issues before us won't be easy, but I'm confident we can work together to find what's best for the state. Thank you for the opportunity to work with you in service to the people of Kansas.

### **KDHE Prohibits Disposal of Industrial Wastewater into a Class V UIC Leachfield Disposal System**

KDHE administers the Federal UIC (Underground Injection Control) program in Kansas for Class I, III, IV, and V injection wells. Class V wells are generally shallow wells that inject a variety of fluids just below the land surface. A septic tank - leachfield disposal system receiving industrial wastewater is one type of Class V injection well. There are essentially two types of wastewater. Domestic wastewater is defined as waste originating primarily from kitchen, bathroom, and non-commercial laundry sources including wastewater from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks. Industrial wastewater is essentially any wastewater that is not a domestic waste. Examples of facilities or activities generating industrial wastewater include laboratories, printers, car and truck washes, dry cleaners, laundromats, metal finishers, vehicle maintenance shops, metals parts manufacturers and veterinary clinics, to name a few.

The disposal of industrial wastewater into septic tank -leachfield systems has been shown to contribute to the contamination of groundwater. This type of Class V well has a significant potential to contaminate groundwater supplies because it can place contaminants directly into or just above the groundwater supplies. Industrial wastes can contain any number of harmful, hazardous or toxic chemicals or constituents. Even if there are no significant groundwater supplies in the area, there is a potential for the contaminants to leach from the soil and enter surface water supplies. Depending upon the type of contaminants in the wastes, contaminated soil surrounding the leachfield may pose a threat to human health or the environment.

K.A.R. 28-46-27 of KDHE's UIC regulations authorizes KDHE to prevent the use of a Class V well if KDHE believes use of the well may adversely impact human health or the environment. KDHE has determined that to protect human health and the environment, industrial wastewaters must not be directed to a septic tank -leachfield disposal system.

If your facility or business uses a septic tank-leachfield for disposal of industrial wastewaters, contact KDHE as soon as possible at (785) 296-1843 or (785) 296-5554. You will need to stop directing industrial wastewaters to the septic tank-leachfield and use an alternate disposal method approved by KDHE. KDHE can provide guidance and information on waste minimization and alternate wastewater disposal methods. Domestic wastewaters may continue to be directed to the system unless notified otherwise by the appropriate local agency.

*Mike Cochran, Bureau of Water*

### **Kansas Livestock Facility Composting Conference**

Livestock facility operators can learn from nationally and Kansas recognized experts about alternatives to the rendering and burial of dead animals and the proper management and conversion of manures into marketable products by attending the one day Kansas Livestock Facility Composting Conference at the Holiday Inn, Great Bend, Kansas on Tuesday, February 11, 2003.

The morning session will provide the broad overview of livestock composting by Robert Rynk of BioCycle magazine, and author of the book On-Farm Composting Handbook. Gail Hansen of KDHE will discuss Bio-Security and West Nile issues pertinent to the livestock industry and K-State Research Extension trainer Joseph Harner will discuss examples of Kansas livestock composting facilities. The morning session will conclude with K-State's Jas Dale who will discuss compost sampling and testing. The afternoon session

*(cont. on page 7)*

**KDHE REGULATIONS IN PROCESS**

<b>REGULATION</b>	<b>DIV. DRAFT</b>	<b>EPA REVIEW</b>	<b>DOA REVIEW</b>	<b>AG REVIEW</b>	<b>PUBLIC HEARING</b>	<b>EFFECTIVE</b>
update 01/14/03						
<u><b>Waste Management</b></u>						
Special Waste	6/02	N/A	10/02	*10/02	*1/03	*3/03
Construction Demo(N)	*1/03	N/A	*2/03	*3/03	*5/03	*7/03
Permits	*2/03	*3/03	*3/03	*4/03	*6/03	*8/03
SW Planning(A)	*2/03	N/A	*3/03	*4/03	*6/03	*8/03
Groundwater	*3/03	*4/03	*4/03	*5/03	*7/03	*9/03
Hazardous Waste Update (A)	*3/03	N/A	*4/03	*5/03	*7/03	*9/03
Vertical Expansion (A)	*5/03	N/A	*6/03	*7/03	*9/03	*11/03
Medical Waste	*7/03	N/A	*8/03	*9/03	*11/03	*1/04
<u><b>Air and Radiation</b></u>						
Acid Rain Permits(A)	*1/03		*2/03	*2/03	*4/03	*6/03
Acid Rain NOx(N)	*1/03		*2/03	*2/03	*4/03	*6/03
Opacity Rule(A)	*1/03		*2/03	*2/03	*4/03	*6/03
Update Stds(NSPS,MA)	*1/03		*2/03	*2/03	*4/03	*6/03
Consolidated Air Rule (N)	*2/03		*3/03	*3/03	*5/03	*7/03
Definitions (A)	*1/03		*2/03	*2/03	*4/03	*6/03
<u><b>Water</b></u>						
Surface Water Quality Stds(A)	12/01	*2/02	5/02	5/02	9/02	12/02
<u><b>Public Water Supply</b></u>						
Lead Copper Minor Revisions	1/03	*3/03	*2/03	*3/03	*6/03	*9/03
Consumer Confidence Report	1/03	*3/03	*2/03	*3/03	*6/03	*9/03
Public Notification	1/03	*3/03	*2/03	*3/03	*6/03	*9/03
IESWTR	1/03	*3/03	*2/03	*3/03	*6/03	*9/03
Stage 1 DDBP	1/03	*3/03	*2/03	*3/03	*6/03	*9/03
LT1	1/03	*3/03	*2/03	*3/03	*6/03	*9/03
Filter Backwash Recycling Rule	1/03	*3/03	*2/03	*3/03	*6/03	*9/03
Radionuclide Rule	1/03	*3/03	*2/03	*3/03	*6/03	*9/03
Arsenic Rule	1/03	*3/03	*2/03	*3/03	*6/03	*9/03
<u><b>Geology</b></u>						
Hydrocarbon Storage Wells(N)	12/02		*1/03	1/03	4/03	6/03
Nat. Gas Storage Wells(N)	12/02		*1/03	1/03	4/03	6/03
Brine Ponds(N)	12/02		*1/03	1/03	4/03	6/03

New(N), Amended(A), Revoked(R)

\* denotes projected date

**MARK YOUR CALENDARS!!**

2003 Kansas Environment Conference  
 Wichita Marriott  
 Wichita, Kansas  
 August 26-27, 2003

## Kansas Don't Spoil It Calendar

Artwork from thirteen Kansas students is currently being featured in the 2003 edition of the Kansas Don't Spoil It! calendar.

The popular calendar, produced by the Kansas Department of Health and Environment (KDHE), includes selected artwork from grades K through 12 featuring anti-littering, recycling and waste reduction themes. In addition, an overall winner is selected from all entries and is featured on the calendar cover. All winners received a \$50.00 savings bond, Kansas Don't Spoil It! promotional prizes, and were invited to the State Capitol for a picture with the Governor.

The 2003 Kansas Don't Spoil It! calendar is distributed free of charge to schools, libraries, city and county governments, and at public events by the KDHE Bureau of Waste Management. Entries are solicited each year from all public and private primary and secondary schools in the state. Hundreds of entries are reviewed by KDHE staff and the finalists are displayed in the Curtis State Office Building where KDHE and other state agency employees vote for their choices in each grade. The 2004 Kansas Don't Spoil It! calendar contest is currently under way with entries due to KDHE by March 28, 2003. For more information on the contest contact Jim Rudeen at 785-296-1603 or e-mail [jrudeen@kdhe.state.ks.us](mailto:jrudeen@kdhe.state.ks.us).

The Kansas Don't Spoil It! campaign was launched in 1996 at the Kansas State Fair and is designed to discourage littering, and promote waste reduction through recycling, reuse and composting. For more information, visit the Kansas Don't Spoil It! website at [www.kansasdontspoilit.com](http://www.kansasdontspoilit.com).

*Jim Rudeen, Bureau of Waste Management*

## Groundwater Contamination Discovered at Wamego Missile Site

In June 2002, BER's Superfund Unit began investigating a former Atlas missile site northwest of Wamego. During this investigation, contaminated groundwater was discovered in a windmill well at the site. A sample from this well contained 247 parts per

billion of trichloroethylene (TCE), a solvent used by the Air Force when the site was active in the 1960s. The drinking water standard for TCE is 5 ppb.

A number of homes with private water wells are located near the site, so the Superfund Unit began contacting all local residents through a door-to-door survey and arranging to collect water samples. Results from these samples indicated that TCE-contaminated groundwater was moving away from the missile site and contaminating nearby wells at levels exceeding the drinking water standard. The Superfund Unit contacted the US Army Corps of Engineers, the Federal agency responsible for responding to contamination from military activities, and requested bottled drinking water for affected residents. USACE agreed to provide bottled water to these residents, and the Superfund Unit continued sampling nearby wells as quickly as possible.

As more private wells were found to be contaminated, local residents became concerned about how this contamination would affect them. The Superfund Unit addressed their concerns by holding two public availability sessions in Wamego at which representatives from KDHE and USACE spoke with members of the public. As a result of requests from KDHE and the public, USACE agreed to install carbon filter water treatment systems for wells contaminated with TCE above the drinking water standard.

These water treatment systems are currently being installed at the 26 homes near the missile site with TCE above the drinking water standard. The Superfund Unit has also requested that USACE resample all of the wells in the area which are currently not contaminated above drinking water standard. This resampling will be performed every three months, and any additional wells contaminated above the drinking water standard in the future will receive bottled water and a water treatment system. USACE will begin collecting these samples in early 2003.

The long-term strategy for cleaning up the site includes having USACE connect all residences in the area to rural water lines, to protect local residents from future exposures to contaminated groundwater. In addition, the Superfund Unit will be working with USACE to investigate the source of contamination at the site and develop a cleanup plan. This investigation should begin in 2003.

*Dan Gravatt, Bureau of Environmental Remediation*

## Air Emission Performance Testing

Performance tests are the most accurate way to determine if a facility is operating in compliance with an air emission standard. A performance test measures air emissions using standardized collection and analysis techniques. During a typical performance test, a sample is extracted from a stack or emission point over a specified time period, usually three test runs of one hour each. The most frequently used test methods approved by the Environmental Protection Agency (EPA) can be found in Title 40 of the Code of Federal Regulations (CFR) Part 60 Appendix A and 40 CFR Part 51 Appendix M.

An Air Quality Construction Permit or Approval may be required prior to construction of equipment at a new or existing facility. Initially, a permit writer evaluates new equipment and determines whether a performance test is needed to demonstrate compliance with an emission standard. The test is generally required within 180 days of startup of new equipment. Existing facilities may be required to conduct a performance test if a new regulation is published. Some regulations that require performance tests include 40 CFR Part 60 (New Source Performance Standards or NSPS), Part 61 (National Emission Standards for Hazardous Air Pollutants or NESHAP), and Part 63 (Maximum Achievable Control Technology or MACT).

If a facility is required to conduct a performance test, a minimum of 30 days notice is required. This gives the agency the opportunity to have an observer present. The observer's role is to make sure the test is properly conducted and the test data is representative. Agency staff observe sample collection and analysis procedures. When the test report is submitted, it will be reviewed to determine compliance with applicable regulations.

A facility should submit a test protocol when the test notification is given. A test protocol is a complete description of the proposed test methods, pollutants to be measured, production processes, and specific details about the sampling site. The facility should also submit any requests for proposed deviations from EPA approved test methods. KDHE may require that a test be repeated if the appropriate test methods are not followed, necessary data are not collected, or testing is not conducted under maximum emission rate conditions. A facility representative should be able to identify the process and control equipment parameters needed to establish the operating conditions during the test. Control equipment parameters must be monitored after the test to ensure the same pollutant removal as during the test.

If you are required to conduct a performance test for any of the above reasons, here are a few thoughts to make the process easier. Contact agency staff as early as possible to work out details about the test. We can provide a list of available testing companies in Kansas, meet to discuss the type of test or any modifications to the test, and review the test protocol to ensure it meets applicable regulations. All of these steps will ensure your performance test is conducted correctly the first time, and can save money, time and frustration.

*Mindy Bowman, Bureau of Air and Radiation*

## 2003 Pollution Prevention Awards

The P2 awards application has been updated and is available on the web at [www.kdhe.state.ks.us/sbcs/index.html](http://www.kdhe.state.ks.us/sbcs/index.html). If you are unable to access the website for the application, please give us a call at (800) 357-6087 and we'll be happy to send you a hard copy. Remember that any facility, community, school, or individual is eligible for an award. Applications are not competitive, but based on their own merit. Award applications are due Thursday, June 26 at 5:00 p.m. Awards will be presented at this year's annual environmental conference. The conference will be held in Wichita at the Marriott Hotel, August 26-27, 2003.



## **New Federal Rule for Livestock Operations**

On December 15, 2002, EPA Administrator Christie Whitman signed a new rule that revised the Clean Water Act regulation that pertains to livestock operations. In a news conference, Whitman, joined by Agriculture Secretary Ann Veneman, announced a final rule that will ensure that livestock operations work to manage manure effectively to protect the nation's water quality.

The rule requires all livestock operations, with the appropriate designation, to apply for a wastewater permit and to develop and implement a nutrient management plan. The new effluent guidelines establish performance expectations for existing and new sources to ensure appropriate storage of manure, and expectations for proper land application practices at livestock operations.

The new rule is expected to be published in the Federal Register by February 15, 2003, with the new rule taking effect 60 days after the published date. KDHE is the permitting authority for the NPDES program in Kansas. KDHE will have one year from the effective date of the rule to make changes to regulations if needed and two years from the effective date of the rule to make changes to statutes if needed. Regulated facilities will have three years from the effective date to comply with the new rule and will have until December 31, 2006 to develop and implement nutrient management plans.

The Livestock Waste Management Program staff at KDHE is carefully reading the 419 pages of preamble and new rule to decide how the state's currently established program fits with the new rule and what changes may be needed. Kansas has required livestock operations to obtain permits and manage manure for thirty years. Kansas also requires livestock operations to develop and implement waste management plans. The nutrient management plans, required by the new rule, will place additional requirements on livestock operations.

For online access to the new rule, go to [www.epa.gov/npdes/caforule](http://www.epa.gov/npdes/caforule). This website contains the entire text of the preamble and new rule and a fact sheet. For answers to questions about the new federal rule, please call EPA Region 7 at 1-800-233-0425 or email at [R7actionline@epa.gov](mailto:R7actionline@epa.gov).  
*Claudia Elkins, Bureau of Water*

## **Agricultural Waste Pesticide Collection Program**

The Clean Sweep Program is a waste pesticide collection program funded entirely by KDHE with technical assistance supplied by the Kansas Department of Agriculture (KDA). No matching funds are required from counties or participants. The goal of the program is to remove unwanted pesticides from Kansas farmers and ranchers without charge to the owners. Any pesticide, herbicide, fungicide, or rodenticide is accepted by the program. Pesticide dealers, manufacturers and distributors are eligible to participate on a fee basis. Typically, three single day collections are held over a week period targeting geographic areas around the state. In order to provide adequate personnel and equipment at each collection site, all participants are asked to pre-register.

Clean Harbors Environmental Services has been selected as contractor for the project through the State competitive bidding process. Clean Harbors supplies all on-site labor, equipment, and supplies necessary to run the event. KDHE, with assistance from KDA, handles all advertising, site selection, project coordination, and public education. In FY 2002, approximately 90,883 pounds of pesticides were collected from 177 participants at 13 collection sites. Disposal cost for the program was \$111,815. More than 220,000 pounds of pesticides have been collected through the program since it began in the spring of 2000. The popular program will continue in SFY 2003 as funding is available.  
*Jim Rudeen, Bureau of Waste Management*

## **Public Advocate Services for Division of Environment**

The Division of Environment's Public Advocate for Small Businesses is your source of information about whom to contact within the Division of Environment with your problem or issue. If you have questions about whom to contact regarding your permit, pollution prevention technologies, or other questions, call Cathy Colglazier at 1-800-357-6087.

## **Oil & Gas Construction Stormwater Implementation Delay**

In the December 30, 2002 Federal Register, EPA announced proposed rulemaking to delay the permit authorization deadline for NPDES stormwater runoff permits for small construction activities associated with the oil & gas exploration and production industry. The Agency proposed the delay in order to better evaluate the impact of the permit requirements on the oil and gas industry and the best management practices to prevent contamination of storm water runoff, while analyzing the scope and effect of 33 U.S.C. 1342 (1)(2) and other provisions of the Clean Water Act.

If EPA promulgates the regulation prior to March 10, 2003, KDHE will honor the regulations regarding permits issued in Kansas. How KDHE will ultimately address NPDES stormwater runoff permitting associated with construction activities for the oil & gas industry will depend upon EPA's findings and final ruling.

The current KDHE NPDES General Permit for Stormwater Runoff From Construction Activities, which was issued and became effective January 18, 2002, contains a provision addressing the implementation of the small construction provisions of the NPDES Phase II Stormwater Regulations. The General Permit requires that construction projects that are deemed to be "small construction activities" and which will not be stabilized prior to March 10, 2003, must file a Notice of Intent (NOI) for authorization to discharge stormwater runoff associated with construction activities. The deadline for filing the NOI is 60 days prior to March 10, 2003 to enable KDHE to process and issue an NPDES permit. KDHE will authorize the oil & gas industry to delay filing NOIs to March 17, 2003. If EPA fails to promulgate the regulation as proposed, KDHE will begin processing the NOIs submitted by the oil & gas industry with emphasis given to those NOIs for existing / active construction projects followed by proposed projects with priority given to those proposing to start immediately after March 10, 2003. KDHE will hold all oil and gas industry NOIs for small construction activities and associated permit fees submitted prior to March 17, 2003 until KDHE provides the discharge authorization. If EPA promulgates the proposed regulation on or after March 17, 2003, KDHE will honor the delay in a timely manner.

Additional information on the possible delay can be found at [www.kdhe.state.ks.us/water](http://www.kdhe.state.ks.us/water), or you may contact Don Carlson of KDHE's Bureau of Water at (785) 296-5547.

*Don Carlson, Bureau of Water*

## **KDHE's Director of Bureau of Air and Radiation Retires**

KDHE announces the retirement of Chuck Layman, Director, Bureau of Air and Radiation. Mr. Layman retired on December 6, 2002 after serving the State of Kansas for twenty-two years, eighteen of those years with KDHE. For the past twelve years, he has served in various capacities in the Bureau of Air and Radiation, serving as the Bureau Director since July 2001. Mr. Layman's knowledge and demeanor were an asset to the Bureau and he will be greatly missed. Dr. Ron Hammerschmidt is serving as the Acting Director for the Bureau.

## **Livestock Composting Conference (cont. from page 7)**

will provide two specialized training tracts for pork, poultry, beef and dairy producers on Dead Animal Composting Bin Design and Operation, and Manure Composting with Ohio State expert Steve Moeller and Robert Rynk.

The cost for this one day conference which will include lunch, breaks and training workbook is \$30.00. For reservations call Rob Bradford KDHE, Bureau of Waste Management at (785) 291-3510 or [rbradfor@kdhe.state.ks.us](mailto:rbradfor@kdhe.state.ks.us). For composting questions call Ken Powell at (785) 296-1121 or [kpowell@kdhe.state.ks.us](mailto:kpowell@kdhe.state.ks.us).

*Kent Foerster, Bureau of Waste Management*

Don't miss the  
***Works! 2003 Conference on Recycling, Composting and  
Household Hazardous Waste!!***



March 18-20, 2003  
Southwestern College  
Winfield, KS

For information on the conference, contact Marty Burke  
or Jim Rudeen at (785) 296-1600 or (800) 282-9790.

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